

SUMMARY OF DRAFT AG ORDER REQUIREMENTS

TOXICITY AND PESTICIDES				
Legal Requirement - Eliminate toxic discharges of agricultural pesticides to surface waters and groundwater²				
Tier 1, Tier 2, and Tier 3 - REQUIREMENTS				
Draft Ag Order Condition	Confirmation of Compliance (monitoring/reporting)	Point of Compliance¹	Milestone(s) to Measure Progress	Time to Compliance
(35) Dischargers must implement proper handling, storage, disposal and management of pesticides, fertilizer, and other chemicals to prevent discharge of waste to waters of the State.	Farm Plan	Ranch	Farm Plan developed	1.5 Years
	Management practice implementation	Ranch	Farm Plan updated	2.5 Years and every year thereafter
(46) Dischargers must conduct receiving water quality monitoring	Receiving Water Monitoring and Reporting	Receiving Water	Initiated Receiving Water Monitoring	6 Months
			Reported Receiving Water Monitoring Results	1 Year and every year thereafter
(61) Dischargers must not cause or contribute to exceedances of pesticide and toxicity water quality standards in waters of the State or the United States. Dischargers may have to implement best management practices, treatment or control measures, or change farming practices to achieve compliance with this Order.	Farm Plan	Ranch	Farm Plan developed	1.5 Years
	Management practice implementation	Ranch	Farm Plan updated	2.5 Years and every year thereafter
	Receiving Water Monitoring	Receiving Water	Reported Receiving Water Monitoring Results	1 Year and every year thereafter
(62) Dischargers must comply with any DPR adopted or approved surface water protection requirements.	Farm Plan	Ranch	Farm Plan developed	1.5 Years
	Management practice implementation	Ranch	Farm Plan updated	2.5 Years and every year

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				thereafter
(64) Dischargers that apply fertilizers, pesticides, fumigants or other chemicals through an irrigation system must have functional and properly maintained back flow prevention devices installed at the well or pump to prevent pollution of groundwater or surface water, consistent with any applicable DPR requirements or local ordinances.	Report to Water Board	Ranch		3 Years
(73 - 74) Dischargers must develop and implement a farm water quality management plan (Farm Plan).	Farm Plan	Ranch	Farm Plan developed	1.5 Years
	Management practice implementation	Ranch	Farm Plan updated	2.5 Years and every year thereafter
(75 - 77) Dischargers must obtain appropriate farm water quality education and technical assistance to achieve compliance.	Farm Plan	Ranch		1.5 Years
Tier 2 and Tier 3 - ADDITIONAL REQUIREMENTS				
Draft Ag Order Condition/Prohibition	Confirmation of Compliance (monitoring/reporting)	Point of Compliance¹	Milestone(s) to Measure Progress	Time to Compliance
(79) Tier 2 and Tier 3 Dischargers must submit an Annual Compliance Document.	Compliance Document Reporting	Ranch	Compliance Document submitted	1.5 Years and every year thereafter.
Tier 3 - ADDITIONAL REQUIREMENTS				
Draft Ag Order Condition/Prohibition	Confirmation of Compliance (monitoring/reporting)	Point of Compliance¹	Milestone(s) to Measure Progress	Time to Compliance
(48,95) Tier 3 Dischargers must conduct individual discharge monitoring.	Individual Discharge Monitoring and Reporting	Ranch	Initiate Individual Discharge Monitoring	6 Months
			Individual Discharge	2 Years and

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			Monitoring Results	every year thereafter
(98) Tier 3 Dischargers must demonstrate that they are not causing or contributing to exceedances of water quality standards for toxicity and pesticides in waters of the State or of the United States.	Management practice effectiveness reporting	Ranch	Measured load reduction	2 Years
	Individual Discharge Monitoring	Variable: in discharge at edge of ranch or just prior to discharge entering surface water	Measured concentration reduction in discharge	
	Receiving Water Monitoring	Receiving Water	Measured concentration or load reduction in receiving water	

Footnote 1

The Point of Compliance does *not necessarily* refer to a place that water quality standards must be met. The Point of Compliance refers to the place where a specific condition or action required by the Order takes place and where any indicator or parameter is measured or observed as required by the Order or by the Monitoring and Reporting Program, which may or may not be receiving water. Therefore, the Point of Compliance is variable and dependent on which condition or action is under evaluation as an indicator of compliance. For example, when a discharger must implement farm water quality practices and report on the practices in the Farm Plan or Annual Compliance Document, the Point of Compliance is the farm, ranch or location where the practice is employed. If the discharger must monitor their individual discharge, the point of compliance may be any of the following as applicable: at the edge of the farm, at an appropriate point after the discharge passes through a treatment or control structure or system that is located off the farm (e.g., a vegetated buffer or conveyance ditch adjacent to the farm), or at the point just prior to the discharge entering the receiving water body, or in the receiving water.

Footnote 2

Basin Plan Sec. II.A.2.a. -- Narrative Pesticide Objective for all Inland Surface Waters, Enclosed Bays, and Estuaries

“No individual pesticide or combination of pesticides shall reach concentrations that adversely affect beneficial uses. There shall be no increase in pesticide concentrations found in bottom sediments or aquatic life.

For waters where existing concentrations are presently nondetectable or where beneficial uses would be impaired by concentrations in excess of nondetectable levels, total identifiable chlorinated hydrocarbon pesticides shall not be present at concentrations detectable within the accuracy of analytical methods prescribed in Standard Methods for the Examination of Water and Wastewater, latest edition, or other equivalent methods approved by the Executive Officer.”

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Basin Plan Sec. II.A.2.a. -- Narrative Toxicity Objective for all Inland Surface Waters, Enclosed Bays, and Estuaries

“All waters shall be maintained free of toxic substances in concentrations which are toxic to, or which produce detrimental physiological responses in, human, plant, animal, or aquatic life. Compliance with this objective will be determined by use of indicator organisms, analyses of species diversity, population density, growth anomalies, toxicity bioassays of appropriate duration, or other appropriate methods as specified by the Regional Board.”

Basin Plan Sec. II.A.2.a -- Numeric Pesticide Objectives for the protection of MUN in non-ocean surface waters

“All inland surface waters, enclosed bays, and estuaries shall not contain concentrations of organic chemicals in excess of the limiting concentrations set forth in California Code of Regulations, Title 22, Chapter 15, Article 5.5, Section 64444.5, Table 5 and listed in Table 3-1.”

Basin Plan Sec. II.A.4.a -- Numeric Pesticide Objectives for the protection of MUN in groundwaters

“Groundwaters shall not contain concentrations of organic chemicals in excess of the limiting concentrations set forth in California Code of Regulations, Title 22, Chapter 15, Article 5.5, Section 64444.5, Table 5 and listed in Table 3-1.”

The Basin Plan cites by reference the California drinking water Maximum Contaminant Levels (MCL) for organic chemicals, including pesticides: Alachlor, Atrazine, Bentazon, Benzo(a)pyrene, Carbofuran, Chlordane, 2,4-D, Dalapon, Dibromochloropropane, Di(2-ethylhexyl)adipate, Di(2-ethylhexyl)phthalate, Dinoseb, Diquat, Endothall, Endrin, Ethylene Dibromide, Glyphosate, Heptachlor, Heptachlor Epoxide, Hexachlorobenzene, Hexachlorocyclopentadiene, Lindane, Methoxychlor, Molinate, Oxamyl, Pentachlorophenol, Picloram, Polychlorinated Biphenyls, Simazine, Thiobencarb, Toxaphene, 2,3,7,8-TCDD (Dioxin), and 2,4,5-TP (Silvex).

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